



MEMORANDUM

TO : **The Regional Executive Directors**
The Assistant Regional Directors
The Regional Directors of EMB and MGB
Regions I, II, III, IV-A, IV-B, V, VI, VII, VIII, CAR and NCR

The Directors
Biodiversity Management Bureau
Environmental Management Bureau
Forest Management Bureau
Land Management Bureau
Mines and Geosciences Bureau

FROM : **The Assistant Secretary**
Field Operations - Luzon and Visayas, and Director, Environmental
Management Bureau in Concurrent Capacity

SUBJECT : **HIGHLIGHTS OF THE 1ST QUARTER LUZON AND
VISAYAS CLUSTER MEETING CONDUCTED ON
28 MARCH 2023 VIA ZOOM**

DATE : 4 April 2023

This is to provide you a copy of the Highlights for the 1st Quarter Luzon and Visayas Cluster Meeting conducted on 28 March 2023 via zoom. Please have a look on the presented issues and concerns as well as the discussion and agreements during the conduct of our meeting. Likewise, we would like to request the concerned Bureaus to please submit their responses on the issues for our submission to the Undersecretary for Field Operations Luzon, Visayas and Environment. We will be collecting the responses on or before 14 April 2023. If you have clarifications and/or submission of responses, kindly email it to asecfosl.denr@yahoo.com

ASec Gilbert C. Gonzales

- The Assistant Secretary welcomed and started a roll call of the participants from Regions 1-8, NCR, CAR, and Bureaus.
- He advised the REDs, RDs and ARDs that cluster meeting is held in preparation for the National Management Conference scheduled on 12 April 2023. Primarily, the meeting aims to consolidate the issues per region and filter the most important ones. ASec Gonzales also outline the agenda of the meeting:
 - Presentation of Current and Emerging Issues per region;
 - Discussion of issues and agreements;
 - Instructions and updates from the Bureaus; and
 - Notes and reminders for the National Management Conference
- The Assistant Secretary requested RED Jackie Caanacan of NCR to preside over the meeting.

ISSUES/CONCERNS	DISCUSSION/AGREEMENTS	CONCERNED OFFICE(s)
REGION 1 – RED Jacqueline Caanacan		
Reclamation Projects <ul style="list-style-type: none"> • along Manila Bay vis-à-vis ongoing Manila Bay Rehabilitation Program • adjacent/within the vicinities of Las Piñas Parañaque Wetland Park 	<p>The House Bill No. 6577, an act expanding the boundaries of LPPWP as Protected Area for other purposes is still pending. Another Reclamation Project proposed by Altech Inc. poses a major problem with the said bill because of overlap of land area.</p>	BMB
Pursuant to DAO 2021-007 re: Guidelines on the establishment of legal easement	<p>All reclamation projects, whether in urban or rural areas, shall adopt a 40-m easement zone.</p> <p>Dir. Emelyne Talabis of LMB responded that many reclamation projects do not have much land area, especially in provinces. Thus, adding a 40-m easement around the reclaimed land is not viable. LMB is awaiting manifestations from PRA to bolster the proposed amendments of the DAO.</p>	LMB
No legal definition of Urban Greenspace (UGS)	<p>The lack of legal definition of UGS impacts the achievement of 9.5 m2/capita threshold of greenspace.</p> <p>According to ASec Arleigh Adorable of FMB, the DAO/draft policy re UGS is already in progress, in coordination with the ERDB and BMB.</p>	FMB
Memorandum of Understanding between DOST and DENR re: Mechanized and Modernized Forest Nursery	<p>The renewal of the MOU has yet to be concurred by the DENRCO through the Secretary. As per ASec Adorable, DENR could try re-negotiating with DOST for extension of the MOU for another three or six years to allow more time for relocation.</p>	
Outdated Air Quality Monitoring Equipment/ Station	<p>The AQMS can no longer provide complete and up-to-date data on required parameters (PM 10 and 2.5, SOx, NOx, and other gaseous parameters).</p>	EMB
Sewage Management	<p>There are still commercial establishments discharging domestic wastewater which are not connected to existing sewer lines/sewerage system.</p>	
Implementation of Solid Waste Management Act	<p>The level of compliance of LGUs to the 10-year SWM plan is still low.</p>	

CAR – RED Ralph Pablo		
Difficulty Securing Certified Copies of Titles from LRA to resolve Land Matter Cases	<p>Certified copies of titles from LRA costs 400 to 500 per title, which are being shouldered personally by lawyers from the CAR Legal Division. LRA opined the DENRCO to execute MOA with LRA, to provide DENR with certified copies free of charge.</p> <p>Regarding the MOA with LRA on data linking and sharing, LMB responded that the API testing is already being done this quarter. Part of this system is the certification of the status of land to avoid double titling and survey. However, it might be a challenge to persuade LRA to agree on providing free certified copies of titles to DENR because they will lose revenue.</p>	LMB
Issuance of Certificate of Non-Coverage (CNCs) to PAs	The CNC Online Application System allows applicants to proceed with their application despite ticking the “Within Protected Area” box. As a result, PASUs have issued NOV to EMB-CAR for Projects within the Protected Area for the CNCs issued by the bureau.	EMB
REGION 1 – RED Crizaldy M. Barcelo		
Pending guidelines on the design/specification for the poles/ markers as plantation boundaries	As per FMB, the guidelines have already been drafted, which will be presented to the TWG to expedite their approval. Hopefully, the guidelines will be out by April.	FMB
Application of Provincial Government of Pangasinan expanding their proclaimed area under Proclamation 1258	<p>The Provincial Government of Pangasinan aims to expand its land area up to 300 ha. for mixed use and industrial park. The area is within Proclamation 156 (Lingayen Gulf), so they are also requesting for a special patent issued in their favor. At present, the status of land is unclassified public land. DENR-1 recommends ocular inspection and site assessment with FMB and NAMRIA to determine the appropriate tenurial instrument for the said land.</p> <p>LMB has performed an ocular visit last January 2023, but the report is yet to be read by Dir. Talabis. Nevertheless, she noted that expanding up to 300 ha. entails a lot of work, including determining the viability of the area and assessment of their proposed projects, especially since they have not utilized their existing 184 ha. LMB will prepare a memo regarding this matter and address it to ASec Gonzales for his comments.</p>	LMB, NAMRIA

Boundary dispute between R1 (San Nicolas, Pangasinan) and R2 (Sta Fe, Nueva Vizcaya)	<p>A joint survey will be conducted by DENR R1 and R2 and the findings must be relayed to both parties.</p> <p>According to Dir. Talabis, the TWG created pursuant to DENR SO No. 2022-746 dated Nov 2, 2022 already submitted its report and it has been forwarded to USec Adobo on January through a memo. The TWG recommends joint survey to resolve the discrepancies in the overlapped land area. At present, the report is still under review. LMB will also furnish a copy of the report for Regions 1 and 2.</p>	LMB, NAMRIA
REGION 2 – ARDMS Ismael T. Manaligod		
Third Party Assessment as a prerequisite to reclassification and turnover of sites	<p>NGP sites more than 100 ha require third-party validation while those less than 100 ha can use in-house validation. However, there was already an Audit of Memorandum from COA requiring third party validation prior to payment of 10% retention fee and reclassification regardless of area coverage. DENR-2 recommends to issue specific guidelines in the payment of 10% retention fee and for the reclassification and management of graduated NGP.</p> <p>The FMB and COA have different definitions for the third-party. To resolve this issue, FMB is drafting an Omnibus Policy for the revision of the Government Accounting Manual (GAM) for submission to COA for their consideration.</p>	FMB
Reversion Cases	<p>Reversion cases lack budget for publications of summons and complaints in a newspaper for defendants whose whereabouts are nowhere to be found.</p> <p>Dir. Talabis recalled the instruction of USec Jonas during the reprogramming workshop in Tagaytay that perhaps the budget of the anti-illegal titling committee in DENRCO can be downloaded to regions. In the meantime, LMB is determining the costing for activities to determine unit cost and budget. Hopefully in 2024, budget will be allocated to regions. However, Dir. Talabis noted that regions might have a difficult time estimating their targets per year.</p>	LMB
Quarry Operations in Batanes	<p>There is a lack of definition for “non-commercial and small-scale quarrying,” which is the only operation allowed by PAMB. The DENR Secretary instructed DENR-2 to provide definition for the term</p>	MGB

	<p>and the latter already submitted their proposal and awaiting comments from MGB. DENR-2 is suggesting to issue policy guidelines on quarry operations in Batanes, particularly on the operational definition of “non-commercial and small-scale quarrying.”</p> <p>According to MGB-5, there is already a PTWG for the review of mining laws, which is a good venue to raise this issue.</p>	
REGION 3 – ARDTS Joselito M. Blanco		
Issuance of Provincial Environmental Compliance Certificate (PECC) and/or Certificate of Non-Coverage (CNC) of the Provincial Government of Bulacan before the construction and actual operations	There is a duplication or overlapping of regulatory powers with respect to PD 1586 or Environmental Impact Statement (EIS) System and Provincial Resolution No. 186 Series 2011.	EMB
Quarrying in Pasig Potrero River affecting SCTEX and Mancatian bridges	The structural integrity of the SCTEX and Mancatian bridges is affected by the quarrying operations in Pasig Potrero River.	MGB
No issued clearance for hiring of new JOs and COs	According to Atty. Ricky Arzadon, the clearance is already being processed for Region 3.	DENRCO
Re-establishment of Control points for references and relocation of lands affected by Mt Pinatubo	Dir. Talabis brought up this issue that R3 had missed. LMB wrote a response memo to the issue, but R3 has not yet replied.	LMB
REGION 4-A – RED Nilo B. Tamoria		
Oil Spill	The oil slick originating from R4-B has already reached Batangas, Bataan, and Tingloy. A total of 639 liters of waste was collected.	EMB
Kaliwa Dam Clearance	The USec for Legal and Administration created a reply letter to reject the MOA, which is not sanctioned by the NIPAs Act, and issue SAPA. To which, the RO informed MWSS to submit application for SAPA and the latter already signified their intent to apply.	BMB
Masungi	DENR-4A already submitted recommendation for cancellation of the 2017 MOA between DENR and MGFI.	
REGION 4B – RED Lormelyn E. Claudio		
Presence of <i>E. coli</i> and fecal coliform in Bacuit-El Nido Bays causing cases of Diarrhea among tourists	The region is conducting its coordination with DOT, EMB, and DOH to monitor and resolve the issue.	EMB

Continuous Encroachment/ Occupation of establishments over easement zone and timberland without tenurial instrument	DENR MIMAROPA proposes to come up with an updated carrying capacity study and master plan that would be the basis for legislators to propose a bill for the area.	FMB
Clarification on the lacking bidding provision of DAO 2004-28	The region sought clearance and guidance from FMB as reference in the conduct of actual bidding of forestland. However, there is no recent update other than that the FMB is already drafting a policy proposal last July 2021.	
Metallic Large-scale mining of Altai Phil. Mining Corp. (APMC) in Sibuyan Island, Romblon	DENR MIMAROPA is seeking new guidelines from LMB re: Non-consideration on Environmental Aspect in the issuance of Provisional Permit and Non-compliance of APMC on NOV's issued by the DENR and required permits and clearances.	LMB, MGB
Overlapping jurisdiction between DAR and DENR resulting in the registration of two titles over the same lot to different individuals	DENR MIMAROPA requests DENR CO to help in resolving the issue by providing guidelines and writing to DAR.	LMB
Oil Spill	<p>There is a problem with funding because the region lacks adequate contingency funds for such an emergency. DENR MIMAROPA is working with DSWD and DOLE to help affected fisherfolks through Cash for Work Program.</p> <p>The region is also preparing for a recovery phase where the production forest area will be shared with investors to help fisherfolks long term. With this, they are seeking the help of FMB to identify these forest areas.</p> <p>RD Joe Amil M. Salino of EMB-MIMAROPA prepared a separate presentation on the Water Quality and Air Quality, Hazardous Waste Collection, and ways forward relevant to the MT Princess Empress oil spill. The water quality in Oriental Mindoro, Occidental Mindoro, and Palawan still exceeds WQG.</p> <p>There is no detection of Hydrogen sulfide, although there are small traces. As per hazardous waste, 323.5 drums of oil contaminated materials had already been collected which are to be transferred to a TSD Facility in Bulacan. EMB-MIMAROPA is strategizing their sampling frequency and monitoring the Clean-up plan submitted by Harbour Star, especially on hazardous waste disposal.</p>	EMB

Illegal Construction of causeway and other relative activities of APMC	DENR, EMB, and MIMAROPA issued a Joint Resolution dated 6 February 2023 ordering APMC to cease and desist from construction and operation. Altai has voluntarily suspended all its exploration related activities in Sibuyan Island, Romblon. The company also requested to transfer its heavy equipment in the causeway to the base camp for safekeeping, to which MGB MIMAROPA permitted.	MGB
<ul style="list-style-type: none"> • Disruptive actions of Pastor Job Z. Lagrada and his group who erected structures and sheds across the main gate and haul roads of Ipilan Nickel Corporation • Non-issuance of permit to Ipilan Nickel Corporation 	Ipilan Nickel Corporation cannot operate efficiently because of the erected structures and sheds. RTC Branch 165 at Brooke's Point, Palawan issued a 20-day Temporary Restraining Order (TRO) against Pastor Lagrada. The TRO was served on 13 March 2023 but the pastor refused to receive or honor it, so DENR-MIMAROPA requested assistance from DILG-MIMAROPA to expedite issuance of business permit.	
REGION 5 – ARDTS Ronnel C. Sopsop		
Incompatibility of LAWIN Patrol System with the new models of cellphones	<p>Mobile phones that were issues for LAWIN are no longer functional and available in the market, and new models of phones are not compatible with the system. DENR R5 recommends that FMB must work out for the updating of LAWIN System that is compatible with any model of phone.</p> <p>FMB responded that they have coordinated with the developer (WCS) for the improvement of the LAWIN System. WCS already released version 7 last year and the FMB is assessing if the current version already addresses the issue presented. The FMB has requested the developer to provide them with an account to test the system. Atty. Sopsop responded if the issued mobile phones are already compatible with version 7.</p> <p>Furthermore, FMB already procured units of smartphones to be distributed to field offices for the implementation of LAWIN.</p>	FMB
Issuance of Guidelines for 3rd party validation/ monitoring and construction of storage facility	ARD Sopsop suggested the FMB to expedite the issuance of the guidelines for 3rd party validation/monitoring.	FMB
Absence of guidelines for turned-over NGP Project Sites to ensure sustainable management	NGP Projects were turned over to DENR after the 3-year implementation with no sustainability plan. As a contingency, DENR-5 included graduated/turned over NGP sites in FCAs so that hired FPOs can monitor and protect these plantations through LAWIN System. The region calls FMB to issue	FMB

	<p>guidelines for sustainable management of graduated/turned over NGP sites and additional funding allocation for the hiring of FPOs.</p> <p>As per FMB, the guidelines for sustainable management of graduated/turned over NGP sites is part of their Omnibus policy on the NGP, which is currently being drafted. The bureau also already proposed hiring of additional FPOs. However, the proposal is being set aside due to limited government's fiscal space. Nevertheless, the region can try writing a letter of request directly to the CO perhaps, there is a chance it will be granted provided that there are available funds.</p>	
<p>Non-compliance to Joint Memorandum Circular No. 01 Series of 2014 "Guidelines for the implementation of DPWH-DENR-DSWD Partnership on the Tree Replacement Projected"</p>	<p>Based on the COA findings, all PENROs and CENROs in R5 are non-compliant to JMC No. 01 Series of 2014.</p> <p>DPWH-R5 incurred a substantial number of backlogs for the period 2019-2022 because they are having a difficult time complying with tree replacement project due to absence of specific guidelines. Demand letters were already sent by DENR-5 to different offices of DPWH for compliance of their backlogs. The regional office recommends FMB to initiate a high-level discussion with DPWH and to immediately come up with specific guidelines.</p> <p>As per seedling replacement, FMB responded that they already submitted to PTWG the revision or amendment for seedling replacement guidelines. But then, they are still awaiting schedule for the deliberation. In terms of the maintenance and protection of tree plantings, FMB suggests to oblige tree cutting permittees since planting, maintenance, and protection are part of the TOR of their cutting permit.</p> <p>As a final note, Atty. Sopsop voiced out his concern about the policies that are still pending with PTWG and whether there is a way to fast track these policies to avoid backlogs. He also added that it would be difficult to prompt the DPWH to a contract of 3 year protection and maintenance because they only have funding for two years.</p>	<p>FMB</p>
<p>Universe of water bodies in the Bicol region</p>	<p>RD Abu of EMB-5 noted that the region has prepared and submitted to the Central Office the proposal re: actual field validation of 524 water bodies for reconciliation vis-à-vis to</p>	<p>EMB</p>

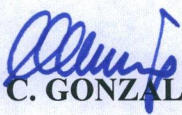
	the listing from EMB Central Office, EMB-R5, NAMRIA, and NWRB.	
Solid Waste Management Equipment consisting of plastic recycling with plastic molders	EMB-5 already prepared and submitted the status of plastic recycling with plastic molders provided to 6 Provincial Governments of the region. Invitation letters for the clarificatory meeting on March 2023 were sent out to the Provincial Governors with the supplier of the SWM equipment.	EMB
Completion of Physico-Chemical Laboratory Facility	The project proposal composed of Plan, Bill of Materials, and Terms of Reference was prepared and submitted to EMB CO. The laboratory is expected to be completed in 2024.	
REGION 6 – RED Livino B. Duran		
Mining Operations in Semirara island by Semirara Mining and Power Corporation (SMPC)	<p>Reclamation and backfilling is currently ongoing in Semirara Island. The dust pollution is comparable to a sandstorm as per the region’s rapid assessment. LGU Caluya, Antique is asking DENR for amendment of PP 649 Proclaiming the entire municipality as Mineral Reservation.</p> <p>DENR-6 recommends assessing the damage to coral reefs surrounding the island through a technical review committee and coordination with DOE and PRA for inputs and clarifications.</p>	MGB
Boracay Concerns: <ul style="list-style-type: none"> • 222 cases filed in courts and more are on case buildups and future filing • relocation of 325 “Tumandoks” • unfinished road rehabilitation, drainage systems and the proposed amendments of PP1064 particularly on road easements • Filing of an Action for reversion/cancellation of titles to approx. 181 derivative titles within the forestland 	<p>DENR-6 lacks lawyers and funds to resolve the issue, so they recommend the immediate release of funds amounting to 9.285M.</p> <p>LGU Malay and NHA failed in their commitment under the Boracay Action Plan (BAP) to relocate the Tumandoks.</p> <p>DENR-6 recommends the issues to be discussed in the Boracay-Caticlan Sustainable Development Council</p>	DENR CO
Boracay concern re: Impending Deed of Transfer for the proposed 2nd Batch of CARPABLE land in favor of DAR	<p>The then Secretary Cimatú was unable to sign the Deed of Transfer for the proposed 2nd Batch of CARPABLE land.</p> <p>As per Dir. Talabis, unless it is repealed or there is pronouncement from the top management to discontinue, DENR must</p>	LMB

	<p>continue because of our agreement with DAR. However, we can compensate for this by being strict with criteria compliance. According to her, if we strictly follow the technical bulletin re: turnover of lands to DAR involving Boracay island, DENR does not have lands to turn over. Moreover, Dir. Talabis has committed to include the issues in their coming Execom meeting.</p>	
Carrying Capacity	<p>The results of the updated Carrying Capacity of Boracay Island was forwarded for comments, clearance to disseminate, and asking who to issue the certification but no response yet.</p>	
MOAs and MOUs for Clearance from CO	<p>The MOAs/MOUs held pending are piling up, but the CO has no response yet. DENR-6 is requesting to reconsider this instructions in the Manual of Authorities granted to the region allows the signing of MOAs/MOUs that does not involve financial consideration.</p> <p>RED Jackie suggested that DENR-6 should address their memo to USec Cuna through ASec Gonzales for urgent concerns.</p>	
REGION 7 – RED Paquito Melicor, Jr.		
Tenurial Instruments for occupants of private lands subject of the Joint National and Regional Peace and Order Council Meeting in Dumaguete city	<p>There are Untitled but Privately claimed Agricultural Lands (UPALs) in the region under the jurisdiction of DAR (CARP program). The region already requested DAR for the status of Just Compensation and is awaiting response.</p> <p>According to Dir. Talabis, FMB has guidelines regarding UPALs. Thus, the region should use these guidelines as bases to resolve the issue. She suggested to double check the issues presented because CARP law is already finished, therefore DAR no longer has coverage and authority.</p>	LMB, FMB
Conversion of Forestlands in Pamplona, Negros Oriental	<p>DENR-7 completed and submitted the slope map, land cover map, and map showing the proposed blocks to support the documentation for reclassification of two areas into agricultural lands from timberland. The region also prepared and submitted a draft House Bill “An act establishing the reclassification of Forestland to Agricultural land in the Municipality of Pamplona, Province of Negros Oriental.” In the meantime, the following were suggested modes of legitimizing occupied areas:</p> <ul style="list-style-type: none"> • FLAg/FLAgT/SLUP for business/commercial establishments 	LMB

	<ul style="list-style-type: none"> • Gratuitous permit/Presidential proclamation for Government instrumentalities/agencies • CBFMA for marginalized farmers/occupants <p>LMB committed to find the House Bill and check whether it was refiled in 2022. According to RED Melicor, it could be with NAMRIA or FMB.</p>	
Inadequate care and maintenance activities for captive animals in Dreamland Nature and Adventure Park, Amlan, Negros Oriental	<p>The Wildlife Farm Permit of Dreamland Nature and Adventure Park already expired in 2019 and the park has been temporarily closed since the pandemic. The support of LGU diminished resulting in caretakers struggling to provide food and medicine for animals, malnourished animals, and death of a tiger due to malnutrition-associated illness.</p> <p>PENRO Negros Oriental already issued notices for Technical Conference on 30 March 2023.</p>	BMB
Miscellaneous Lease Application No. 072232-10 and 072232-11 filed by Meridian 123 Corp in Brgy. Tulay, Minglanilla, Cebu covering an area which is already partially reclaimed without Area Clearance/ECC	<p>MLA and provisional permit are not the appropriate applications but rather an application for reclamations. The application was returned to CENRO Cebu City on 4 November 2022 for re-evaluation. It was recommended by DENR-7 and Dir. Talabis to refer the concern to PRA and Cebu Ports Authority (CPA).</p>	LMB
REGION 8 – RED Arturo Fadriquela		
Lack of Budget for Travel Expenses and Allowances especially for Private Tree Plantation Registration (PTPR)	<p>The region does not have regular supply of lumber. Region 8 hopes FMB will consider funding tree plantations.</p> <p>FMB responded that the funding for PTPR will be considered in their 2024 plans.</p>	FMB
High fare rate of transportation and low payment per patent	<p>Region 8 recommends increasing the budget for Patent Processing Issuance (PPI).</p> <p>LMB responded that there will be an increase in unit cost from 1,500 to 2,500 in the year 2025.</p>	LMB
Reversion of Agricultural free Patent Title issued on Lot No. 6580, still classified as Forestland	<p>The poultry farm is within forestlands, so DENR-8 is filing a cancellation of title and reversion case. Formal investigation being conducted in almost done.</p>	
Filing of Appropriate Cases for environmental law violations: Zachary Farm Lot	<p>NOVs were issued for alleged violations of PD 1586, RA 6969, RA 9275, and RA 8749 and the respondent was liable to the said</p>	EMB

	allegations. It imposed fines and prompted DENR-8 to cancel the ECC of the project.	
Illegal Extraction of Pyrite ore in the abandoned Bagacay Mining area, Brgy. Bagacay, Hinabangan, Samar	The investigation team were not allowed to enter in the subject area. The region already requested Clearance from Presidential Management Office (PMO) to be allowed inside the abandoned Bagacay Mining area but, they still have not responded.	MGB

For information and appropriate action.


GILBERT C. GONZALES, *CESO III*
